

State Water Resources Control Board

Division of Drinking Water

December 20, 2016

System No. 3301775

Stan Curtis Houghton
General Manager
High Valleys Water District
47781 Twin Pines Road
Banning, CA 92220

CITATION NO. 05-20-16C-010

**CITATION FOR NONCOMPLIANCE VIOLATION OF HEALTH AND SAFETY CODES
CONSUMER CONFIDENCE REPORT SECTIONS 116470 and ARTICLE 20,
SECTIONS 64480(a), 64483(a), and 64483(c)**

Enclosed is a Citation issued to the High Valleys Water District (hereinafter "HVWD") public water system.

HVWD will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at \$161/hr) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation.

HVWD will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on HVWD for the current fiscal year.

December 20, 2016

If you have any questions regarding this matter, please contact Nadine Evans of my staff at 619-525-4646 or me at 619-525-4159.

Sincerely,



J. Steven Williams, P.E.
District Engineer
State Water Resources Control Board
Division of Drinking Water
1350 Front Street, Room 2050
San Diego, CA 92101

Certified Mail No. 7015 3010 0001 9444 3378

cc: Riverside County Environmental Health

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: High Valleys Water District

Water System No: 3301775

Attention: Stan Curtis Houghton, General Manager

47781 Twin Pines Road

Banning, CA 92220

Issued: December 20, 2016

**CITATION FOR NONCOMPLIANCE
VIOLATION OF HEALTH AND SAFETY CODE
CONSUMER CONFIDENCE REPORT, SECTION 116470 AND
CALIFORNIA CODE OF REGULATIONS, ARTICLE 20, SECTION
64480(a), 64483(a), and 64483(c)**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Board, acting by and through its Division of Drinking Water
2 (hereinafter "Division") and the Deputy Director for the Division, hereby
3 issues this citation pursuant to Section 116650 of the CHSC to the High
4 Valleys Water District (hereinafter "HVWD") for violation of the CHSC,
5 Section 116470 and California Code of Regulations, Sections **64480(a),**
6 **64483(a), and 64483(c)**

7
8 A copy of the applicable statutes and regulations are included in Appendix 1,
9 which is attached hereto and incorporated by reference.

10 11 **STATEMENT OF FACTS**

12 The HVWD serves water to approximately 499 individuals through
13 approximately 197 service connections. The water system is operated under
14 Domestic Water Supply Permit No. 05-20-16P-002, issued by the State
15 Board on January 7, 2016, and consists of three reservoirs, where the City
16 of Banning provides all of the HVWD's water via a 6-inch 135 gallon per
17 minute inter-connection. The HVWD water system is a community public
18 water system as defined in the California Health and Safety Code, Section
19 116275. Title 22, CCR, Division 4, Chapter 15, Article 20, establishes
20 applicability, distribution, and content of the Consumer Confidence Report.
21 Community water systems must comply with the content, distribution, and
22 certification of the distribution of the consumer confidence report on an
23 annual basis.

24
25 The HVWD posted the City of Banning 2015 CCR on the HVWD website in
26 June 2016 and included a brief notice in the June 28, 2016 customers'
27 billing statement directing customers to the HVWD website. The notice
28 stated, "2015 CCR available for review in the Office or on our website at
29 www.highvalleyswater.com". The billing statement failed to meet the
30 requirement for "direct delivery" in Section 64483(a), Title 22, California
31 Code of Regulations. The billing notice must provide a direct URL to the
32 actual CCR document. In addition, the posted HVWD CCR did not contain

1 required language, water quality and contaminant monitoring information
2 specific to HVWD as described in Section 64481, Title 22, California Code of
3 Regulations.

4
5 The HVWD has since revised the CCR to include all the required language
6 and information and submitted the draft to the State Board on November 29,
7 2016. The State Board reviewed and approved the report which HVWD has
8 posted on its website and included a revised statement in the customers'
9 November 30, 2016 billing statement directing them to the revised CCR.

10 11 **DETERMINATION**

12 Based on the above Statement of Facts, the Division has determined that
13 the High Valleys Water District violated the California Health and Safety
14 Code, Section 116555 and Sections 64480(a), 64483(a), and 64483(c) in
15 that the 2015 Consumer Confidence Report that HVWD made available to
16 the customers on July 1, 2016 did not comply with State Board regulations.

17
18 The above violation is classified as non-continuing violations.

19 20 **DIRECTIVES**

21 The High Valleys Water District is hereby directed to take the following
22 actions:

- 23
- 24 1. Cease violating the reporting requirements of Section 116470 of the
25 CHSC, and Sections 64480(a), 64483(a), and 64483(c) of Title 22,
26 California Code of Regulations.
 - 27 2. Not later than June 1, 2017, the District shall submit a draft of the
28 2016 Consumer Confidence Report to the Division for review and
29 approval prior to distribution, and describe specifically how HVWD will
30 distribute the CCR to meet the requirement to "directly deliver" to
31 each customer as required by California Code of Regulations,
32 Section 64483(a).

3. By July 1 annually, HVWD shall: distribute a Consumer Confidence Report to each customer; and submit a copy of the distributed Consumer Confidence Report to the State Board.

4. Within 3 months after July 1, HVWD shall submit proof of distribution, using the CCR Certification form to the State Board.

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: High Valleys Water District 3301775, citation number and title of the document being submitted.

J. Steven Williams, P.E.

DWPdist20@waterboards.ca.gov

The State Board reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves the High Valleys Water District of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

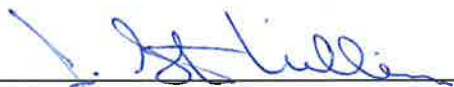
This Citation shall apply to and be binding upon the High Valleys Water District, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the High Valleys Water District shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.



J. Steven Williams, P.E.

12-20-2016

Date

District Engineer

State Water Resources Control Board

Division of Drinking Water

Appendices 1:

1. Applicable Statutes and Regulations

Certified Mail

CC: Riverside County Environmental Health (via email)

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 05-20-16C-010**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).

(9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.

(10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).

(11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).

(12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to “department,” “state department,” or “director” regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county’s election not to enforce this chapter, as provided in Section 116500...

(k) (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the State Water Resources Control Board’s authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions

taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116470(a) Consumer Confidence Report states in relevant part:

Section 116470(a), CHSC, specifies that as a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer.

Section 64480(a) Consumer Confidence Report – Applicability and Distribution states in relevant part:

Section 64480(a), Title 22, California Code of Regulations, specifies that each community and nontransient-noncommunity water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter.

Section 64483(a) Consumer Confidence Report Delivery and Record Keeping states in relevant part:

Specifies that each community and nontransient- noncommunity water system shall mail or directly deliver one copy of the Consumer Confidence Report to each customer.

Section 64483(c) Consumer Confidence Report Delivery and Record Keeping states in relevant part:

Specifies that no later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall mail a copy of the report to the State Board, followed within three (3) months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data, previously submitted to the State Board.

As described in Section 64481, Title 22, California Code of Regulations, the CCR is to provide, as a minimum, source of water purveyed by the public water system, specific information on concentrations of microbiological contaminants, minerals, physical agents, inorganic chemicals, organic chemicals, radioactivity, sodium, hardness, disinfection by-products, detected in the water supply, origin of contaminants detected in the water; explanation of any MCL violation of the primary drinking water standard, enforcement actions, monitoring & reporting violations, statement of health concerns, terms of a variance or exemption (if any granted to the water system), contact information of water system designee for additional information concerning the report. Regulations requiring community and nontransient-noncommunity water systems in California, to provide a CCR to customers, were adopted and effective on May 26, 2001.